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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/430,045	10/29/1999	DAVID CARROLL CROMWELL	7000-045	6702

27820 7590 05/30/2003

WITHROW & TERRANOVA, P.L.L.C.
P.O. BOX 1287
CARY, NC 27512

EXAMINER

NGUYEN, DUSTIN

ART UNIT PAPER NUMBER

2154

DATE MAILED: 05/30/2003

Please find below and/or attached an Office communication concerning this application or proceeding.



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Office Action Summary

Application No.

09/430,045

Applicant(s)

CROMWELL ET AL.

Examiner

Dustin Nguyen

Art Unit

2154

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 20 February 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-32,36-48 and 52-69 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-32,36-48 and 52-69 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____
- 4) ☐ Interview Summary (PTO-413) Paper No(s). _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

DETAIL ACTION

1. Claims 1 – 69 are presented for examination.

Claim Rejections - 35 USC § 112.

2. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

3. Claims 1-69 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

A. The following terms lack antecedent basis:

- | | | | |
|-------|---------------------------------|---|-----------------------------|
| I. | the sequence | - | claims 1, 4, 12, 36, 59 |
| II. | the audio data packets | - | claims 4, 38 |
| III. | the segments | - | claim 5 |
| IV. | the levels | - | claims 8, 9, 41, 42, 57, 58 |
| V. | the audio data segment | - | claim 9 |
| VI. | the expected number of digit | - | claim 28 |
| VII. | the terminating digit | - | claims 28, 29 |
| VIII. | the collection of digit | - | claim 31 |
| IX. | the user | - | claims 41, 54 |
| X. | the member | - | claim 57 |
| XI. | the play announcement parameter | - | claims 68, 69. |

Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 1, 5-9, 12, 13, 16-20, 23-25, 28, 29, 32, 36, 39, 40-42, 46, 52, 55, 57-69, are rejected under 35 U.S.C. 103(a) as being unpatentable over Medan et al. [US Patent No 5,530,950], in view of Pocock [US Patent No 5,661,787].

6. As per claim 1, Medan discloses the invention substantially as claimed including a sequence processor for providing access to a sequence of audio segments accessible by an audio server, the sequence processor comprising computer-executable instructions embodied in a computer-readable medium for performing steps comprising:

receiving a request for playing a sequence of stored audio data segments, the sequence being identified by an audio identifier [Abstract; and col 4, lines 15-24];

locating, in an audio server database [col 4, lines 8-12], a provisioned sequence of audio segments based on the audio identifier [col 2, lines 61-67].

Medan does not specifically disclose playing the sequence of audio segments.

Pocock discloses playing the sequence of audio segments [col 2, lines 64-67].

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It would have been obvious to a person skill in the art at the time the invention was made to combine the teaching of Medan and Pocock because Pocock's teaching would allow to automate the system for user to select, preview and purchase a music product [Pocock, col 2, lines 25-34].

7. As per claim 5, Medan discloses receiving a request includes receiving a request for playing a sequence of audio data segments [Abstract; and col 4, lines 15-24] and at least one of the segments is a variable [col 5, lines 48-52].

8. As per claim 6, Medan discloses playing the sequence of audio segments includes resolving the variable into an audio data segment [col 5, lines 62-65].

9. As per claim 7, Medan discloses the invention substantially as claimed including a set processor for providing access to elements of a set of stored audio data, the set processor comprising computer-executable instructions embodied in a computer-readable medium for performing steps, comprising:

receiving a request to play an audio segment, the request including an audio identifier for identifying a set containing the audio segment and a selector for specifying a member of the set corresponding to the audio segment [Abstract; col 3, lines 12-21; and col 4, lines 15-24; and lines 27-49];

Medan does not specifically disclose

selecting the audio segment to be played based on the audio identifier and the selector.

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Pocock discloses

selecting the audio segment to be played based on the audio identifier and the selector [claim 1]

It would have been obvious to a person skill in the art at the time the invention was made to combine the teaching of Medan and Pocock because Pocock's teaching would allow user to access the desired audio segment in a shorter time.

10. As per claim 8, Medan discloses the set contains a plurality of levels of audio data qualifiers and the selector specifies a path through the levels that leads to the member corresponding to the audio segment to be played [col 3, lines 12-20; col 4, lines 51-57].

11. As per claim 9, Medan discloses the set contains a plurality of levels of audio data qualifiers and the selector specifies a partial path through the levels and selecting the audio data segment to be played includes traversing the levels in the order specified by the selector and supplying default paths through levels not specified by the selector [col 4, lines 50-67; and col 6, lines 20-31].

12. As per claim 12, it is rejected for similar reasons as stated above in claims 1 and 5. Furthermore, Medan discloses

determining whether the variable is an embedded variable [col 5, lines 61-65; col 7, lines 25-26];

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in response to determining that the variable is an embedded variable, resolving a sequence of audio data segments containing the variable and resolving the variable [col 7, lines 26-30].

13. As per claim 13, Medan does not specifically disclose in response to determining that the variable is not an embedded variable, resolving the variable into at least one audio data segment based on at least one of type, subtype, and value of the variable. Pocock discloses in response to determining that the variable is not an embedded variable, resolving the variable into at least one audio data segment based on at least one of type, subtype, and value of the variable [col 14, lines 26-34]. It would have been obvious to a person skill in the art at the time the invention was made to combine the teaching of Medan and Pocock because Pocock's teaching would provide a technique to reduce time consuming and other overhead functions [Pocock, col 3, lines 45-53].

14. As per claim 16, it is rejected for similar reasons as stated in claims 5, 6, and 7.

15. As per claim 17, it is rejected for similar reason as stated in claim 7.

16. As per claim 18, it is rejected for similar reasons as stated in claims 5, 6 and 7.

17. As per claim 19, it is rejected for similar reason as stated in claim 7.

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18. As per claim 20, Medan discloses the invention substantially as claimed including an audio server comprising computer-executable instructions embodied in a computer-readable medium for performing steps comprising:

the request including an initial prompt parameter for specifying an initial audio prompt to be played to a user, and at least one reprompt parameter for specifying a reprompt to be played to a user [Figure 5];

playing the initial prompt to the user [220, Figure 5];

Medan does not specifically disclose

monitoring digits or speech from a user;

in response to failing to receive speech or digits from a user, playing the reprompt to the user.

Pocock disclose

monitoring digits or speech from a user [col 12, lines 52-63];

in response to failing to receive speech or digits from a user, playing the reprompt to the user [col 12, lines 63-col 13, lines 5].

It would have been obvious to a person skill in the art at the time the invention was made to combine the teaching of Medan and Pocock because Pocock's teaching would allow user to have a second chance to make decision on the choices and provide user with further information about the audio segment.

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19. As per claim 23, it is rejected for similar reasons as stated in claim 20. Furthermore, Medan discloses a no digits reprompt for specifying a no digits reprompt to be played to a user [250, Figure 5].

20. As per claim 24, it is rejected for similar reasons as stated in claim 20. Furthermore, Medan discloses a play collect event [col 4, lines 58-col 5, lines 15].

21. As per claim 25, Medan discloses the invention substantially as claimed including an audio server comprising computer-executable instructions embodied in a computer-readable medium for performing steps, comprising:

receiving a request for collecting dual-tone multifrequency (DTMF) digits from a user, the request including a regular expression specifying a predetermined pattern of digits to be identified from a user [col 2, lines 29-36];

monitoring digits received from a user [col 6, lines 9-13].

Pocock does not specifically disclose comparing digits received from a user to the regular expression.

Pocock discloses comparing digits received from a user to the regular expression [col 12, lines 58-61; col 14, lines 17-25].

It would have been obvious to a person skill in the art at the time the invention was made to combine the teaching of Medan and Pocock because Pocock's teaching would allow user to access the correct information based on the input.

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22. As per claim 28, Medan discloses the invention substantially as claimed including an audio server comprising computer-executable instructions embodied in a computer-readable medium for performing steps comprising:

receiving a request to monitor digits entered by a user, the request containing a first parameter specifying an expected number of digits, a second parameter specifying a terminating digit [col 5, lines 53-65],

monitoring digits received from a user [col 6, lines 9-13].

determining whether the expected number of digits have been received from a user based on the first parameter [240, Figure 5];

determining whether the terminating digit has been received from a user [250, Figure 5];

in response to determining the first relationship exists, identifying the terminating digit received from a user as a terminating digit [Figure 3].

Medan does not specifically disclose

in response to determining that the expected number of digits have been received, starting a timer;

in response to determining that the terminating digit has been received, reading the timer and determining whether a first relationship exists between the timer and last digit timer value.

Pocock discloses

in response to determining that the expected number of digits have been received, starting a timer [col 9, lines 16-30];

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in response to determining that the terminating digit has been received, reading the timer and determining whether a first relationship exists between the timer and last digit timer value [col 9, lines 31-36].

It would have been obvious to a person skill in the art at the time the invention was made to combine the teaching of Medan and Pocock because Pocock's teaching would allow user to track the correct audio segment to be retrieved [Pocock, col 2, lines 34-47].

23. As per claim 29, Medan does not specifically disclose in response to determining that the first relationship does not exist, identifying the terminating digit received from a user as part of a new key sequence. Pocock discloses disclose in response to determining that the first relationship does not exist, identifying the terminating digit received from a user as part of a new key sequence [Figure 2].

24. As per claim 32, it is rejected for similar reasons as stated above in claim 28. Furthermore, Medan discloses the third parameter [col 7, lines 25-29].

25. As per claim 36, it is method claimed of claim 1, it is rejected for similar reasons as stated in claim 1.

26. As per claim 39, it is method claimed of claims 5 and 6, it is rejected for similar reasons as stated in claims 5 and 6.

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27. As per claim 40, it is rejected for similar reasons as stated in claim 7.
28. As per claims 41 and 42, they are rejected for similar reasons as stated in claims 8 and 9 respectively.
29. As per claim 46, it is rejected for similar reasons as stated above in claim 25.
30. As per claim 52, it is method claimed of claim 1, it is rejected for similar reasons as stated in claim 1.
31. As per claim 55, it is method claimed of claim 7, it is rejected for similar reasons as stated in claim 7.
32. As per claims 57 and 58, they are rejected for similar reasons as stated in claims 8 and 9.
33. As per claim 59, it is rejected for similar reasons as stated in claim 7.
34. As per claim 60, it is rejected for similar reasons as stated in claim 1. Furthermore, Pocock discloses an interface card, an audio server database embodied in a memory device, and a processor [7012, 7014, 7010, Figure 7].

35. As per claim 61, Pocock discloses at least one digital signal processing (DSP) card for converting the sequence of audio data segments extracted from the audio server database into a format for playing to an end user [1010, Figure 1].

36. As per claim 62, it is rejected for similar reasons as stated in claims 1 and 7.

37. As per claim 63, it is rejected for similar reasons as stated in claims 12 and 13.

38. As per claim 64, it is rejected for similar reasons as stated in claims 1 and 7.

39. As per claims 65 and 66, they are rejected for similar reasons as stated in claims 5-7.

40. As per claims 67 and 69, they are rejected for similar reasons as stated in claims 1, 7, 12.

Furthermore, Medan discloses the event symbol including a play announcement symbol for instructing the audio server to play an announcement [360, 370, Figure 8].

41. Claims 14, 15, 43-45, are rejected under 35 U.S.C. 103(a) as being unpatentable over Medan et al. [US Patent No 5,530,950], in view of Pocock [US Patent No 5,661,787], and further in view of Cookson et al. [US Patent No 6,442,335].

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42. As per claim 14, Medan and Pocock do not specifically disclose the variable is a Multilanguage variable and wherein resolving the variable includes selecting audio data segments to be played based on a language specified by the variable. Cookson discloses the variable is a Multilanguage variable and wherein resolving the variable includes selecting audio data segments to be played based on a language specified by the variable [col 22, lines 61-col 23, lines 4; and col 25, lines 6-17]. It would have been obvious to a person skill in the art at the time the invention was made to combine the teaching of Medan, Pocock and Cookson because Cookson's teaching would eliminate language barrier for users, which helps to increase the value of the system.

43. As per claim 15, it is rejected for similar reasons as stated above in claim 14.

44. As per claim 43, it is rejected for similar reasons as stated above in claims 12-14.

45. As per claims 44 and 45, they are rejected for similar reasons as stated above in claims 12, 13, 14 and 17.

46. Claims 2-4, 10, 11, 21, 22, 26, 27, 30, 31, 37, 38, 47, 48, 53, 54, 56, are rejected under 35 U.S.C. 103(a) as being unpatentable over Medan et al. [US Patent No 5,530,950], in view of Pocock [US Patent No 5,661,787], and further in view of Bernard et al. [US Patent No 5,918,213].

47. As per claim 2, Medan and Pocock do not specifically disclose a request includes receiving a request from a media gateway control protocol (MGCP) call agent. Bernard shows a request includes receiving a request from a media gateway control protocol (MGCP) call agent [VRU] [col 16, lines 58-63]. It would have been obvious to a person skill in the art at the time the invention was made to combine the teaching of Medan, Pocock and Bernard because Bernard's teaching would allow users to access the system through different communication means [Bernard, col 3, lines 8-17].

48. As per claim 3, Medan and Pocock do not specifically disclose a request includes receiving an MGCP NotifyRequest command from the call agent. Bernard discloses a request includes receiving an MGCP NotifyRequest command from the call agent [col 16, lines 63-col 17, lines 7]. It would have been obvious to a person skill in the art at the time the invention was made to combine the teaching of Medan, Pocock and Bernard because Bernard's teaching would allow users to access the system through different communication means [Bernard, col 3, lines 8-17].

49. As per claim 4, Medan and Pocock do not specifically disclose playing the sequence includes transmitting the audio data packets to a gateway over a packet-based network, wherein the gateway plays the sequence. Bernard discloses playing the sequence includes transmitting the audio data packets to a gateway over a packet-based network [Figure 4], wherein the gateway plays the sequence [col 16, lines 48-57; and col 17, lines 8-14].

50. As per claims 10 and 11, they are rejected for similar reasons as stated in claims 2 and 3 respectively.

51. As per claims 21 and 22, they are rejected for similar reasons as stated in claims 2 and 3 respectively.

52. As per claims 26 and 27, they are rejected for similar reasons as stated in claims 2 and 3 respectively.

53. As per claim 30, it is rejected for similar reason as stated in claim 3.

54. As per claim 31, it is rejected for similar reasons as stated above in claims 22 and 24.

55. As per claim 37, it is rejected for similar reason as stated in claim 2.

56. As per claim 38, it is rejected for similar reason as stated above in claim 4.

57. As per claims 47 and 48, they are rejected for similar reasons as stated in claims 2 and 3 respectively.

58. As per claim 53, it is rejected for similar reasons as stated in claim 2.

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59. As per claim 54, it is rejected for similar reason as stated above in claim 4.

60. As per claim 56, it is rejected for similar reason as stated in claim 2.

61. A shortened statutory period for response to this action is set to expire **3 (three) months and 0 (zero) days** from the mail date of this letter. Failure to respond within the period for response will result in **ABANDONMENT** of the application (see 35 U.S.C 133, M.P.E.P 710.02, 710.02(b)).

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Dustin Nguyen whose telephone number is (703) 305-5321. The examiner can normally be reached on Monday – Friday (8:00 – 5:00).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Meng-Ai An can be reached on (703) 308-9678.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directly to the receptionist whose telephone number is (703) 305-3900.

Dustin Nguyen



**MENG-AL T. AN
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2100**